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16  
17 UNITED STATES DISTRICT COURT  
18 EASTERN DISTRICT OF WASHINGTON

19 PREPARED FOOD PHOTOS, INC.,  
20 f/k/a ADLIFE MARKETING &  
21 COMMUNICATIONS CO., INC., a  
22 Florida for profit corporation,

23 Plaintiff,

24 v.

25 POOL WORLD, INC., a Washington  
26 for profit corporation,

27 Defendant.

NO. 2:23-cv-00160-TOR

FIRST AMENDED COMPLAINT

JURY DEMAND

28 COMES NOW, Plaintiff Prepared Food Photos, Inc. f/k/a Adlife Marketing  
& Communications Co., Inc. ("Plaintiff"), by and through its attorneys of record,

1 Max K. Archer of Riverside Law Group, PLLC and Lauren Hausman of CopyCat  
2 Legal PLLC, and alleges, avers, and claims as follows:  
3

4 **I. THE PARTIES**

5 1. Plaintiff is a corporation organized and existing under the laws of the  
6 State of Florida with its principal place of business located in Broward County,  
7 Florida.  
8

9 2. Defendant Pool World, Inc. ("Defendant") is a corporation organized  
10 and existing under the laws of the State of Washington with its principal place of  
11 business located at 13524 E Sprague Ave., Spokane, WA 99216. Defendant's  
12 agent for service of process is Grady Early, 13524 E Sprague Ave., Spokane, WA  
13 99216.  
14  
15

16 **II. JURISDICTION AND VENUE**

17 3. This Court has subject matter jurisdiction over this action pursuant to  
18 28 U.S.C. §§ 1331 and 1338(a).  
19

20 4. This Court has personal jurisdiction over Defendant because it has  
21 maintained sufficient minimum contacts with Washington such that the exercise of  
22 personal jurisdiction over it would not offend traditional notions of fair play and  
23 substantial justice.  
24

25 5. Venue properly lies in this district pursuant to 28 U.S.C. § 1400(a)  
26 because Defendant or its agents reside or may be found in this district. The Ninth  
27 Circuit has interpreted Section 1400(a) to mean that venue is proper in any judicial  
28

1 district in which the defendant would be amenable to personal jurisdiction. *Brayton*  
2 *Purcell LLP v. Recordon & Recordon*, 606 F. 3d 1124, 1128 (9th Cir. 2010)).  
3  
4 Venue is thus proper in this District because personal jurisdiction exists over  
5 Defendant in this District.

### 6 7 **III. FACTS**

#### 8 **A. PLAINTIFF’S BUSINESS AND HISTORY.**

9  
10 6. Through its commercial website ([www.preparedfoodphotos.com](http://www.preparedfoodphotos.com)),  
11 Plaintiff offers a monthly subscription service which provides access to/license of  
12 approximately 18,000 professional images for the food industry.

13  
14 7. Plaintiff owns each of the photographs available for license on its  
15 website and serves as the licensing agent with respect to licensing such  
16 photographs for limited use by Plaintiff’s customers.

#### 17 18 **B. THE WORK AT ISSUE IN THIS LAWSUIT.**

19  
20 8. In 2001, Plaintiff created a photograph titled  
21 “ProduceVegetableGrilled002” (the “Work”). A copy of the Work is exhibited  
22 below:



9. The Work was registered by Plaintiff with the Register of Copyrights on September 29, 2016 and was assigned Registration No. VA 2-019-412. A true and correct copy of the Certification of Registration pertaining to the Work is attached hereto as **Exhibit “A.”**

10. Plaintiff is the owner of the Work and has remained the owner at all times material hereto.

**C. DEFENDANT’S UNLAWFUL ACTIVITIES.**

11. Defendant is the largest pool and spa business in the Inland Northwest. It has been in operation since 1976 and has expanded to four (4) store locations with more than sixty (60) employees.

12. Defendant advertises/markets its business primarily through its website (<https://poolworld.biz/>), social media (e.g., <https://www.facebook.com/PoolWorldInc/>), and other forms of advertising.

1           13. On a date prior to Plaintiff's above-referenced copyright registration of  
2 the Work, Defendant published the Work on its website (at [https://poolworld-  
3 grillworld.com/](https://poolworld-grillworld.com/)):



8  
9           ***Pool World IS Grill World!!***



15           14. A true and correct copy of screenshots of Defendant's website,  
16 displaying the copyrighted Work, is attached hereto as **Exhibit "B."**

17           15. Defendant is not and has never been licensed to use or display the  
18 Work. Defendant never contacted Plaintiff to seek permission to use the Work in  
19 connection with Defendant's website, social media, or for any other purpose.

20           16. Defendant utilized the Work for commercial use – namely, in  
21 connection with the marketing of Defendant's business.

22           17. Upon information and belief, Defendant located a copy of the Work  
23 on the internet and, rather than contact Plaintiff to secure a license, simply copied  
24 the Work for its own commercial use.

25  
26  
27  
28           18. Through its ongoing diligent efforts to identify unauthorized use of its

1 photographs, Plaintiff discovered Defendant's unauthorized use/display of the  
2 Work in June 2022. Following Plaintiff's discovery, Plaintiff (through its agents)  
3 notified Defendants in writing of such unauthorized use. To date, Plaintiff has been  
4 unable to negotiate a reasonable license for the past infringement of its Work.  
5

6  
7 19. All conditions precedent to this action have been performed or have  
8 been waived.

#### 9 10 **IV. CAUSE OF ACTION**

##### 11 **COUNT 1 – COPYRIGHT INFRINGEMENT**

12 20. Plaintiff re-alleges and incorporates paragraphs 1 through 19 as set  
13 forth above.  
14

15 21. The Work is an original work of authorship, embodying copyrightable  
16 subject matter, that is subject to the full protection of the United States copyright  
17 laws (17 U.S.C. § 101 *et seq.*).  
18

19 22. Plaintiff owns a valid copyright in the Work, having registered the  
20 Work with the Register of Copyrights and owning sufficient rights, title, and  
21 interest to such copyright to afford Plaintiff standing to bring this lawsuit and  
22 assert the claim(s) herein.  
23  
24

25 23. As a result of Plaintiff's reproduction, distribution, and public display  
26 of the Work, Defendant had access to the Work prior to its own reproduction,  
27 distribution, and public display of the Work on Defendant's website.  
28

24. Defendant reproduced, distributed, and publicly displayed the Work

1 without authorization from Plaintiff.

2       25. By its actions, Defendant directly infringed and violated Plaintiff's  
3 exclusive rights in violation of the Copyright Act, 17 U.S.C. § 501, by reproducing,  
4 distributing, and publicly displaying the Work for its own commercial purposes  
5 and for the commercial purposes.  
6  
7

8       26. Plaintiff has been damaged as a direct and proximate result of  
9 Defendant's infringement.  
10

11       27. Plaintiff is entitled to recover its actual damages resulting from  
12 Defendant's unauthorized use of the Work and, at Plaintiff's election (pursuant to  
13 17 U.S.C. § 504(b)), Plaintiff is entitled to recover damages based on a  
14 disgorgement of Defendant's profits from infringement of the Work, which  
15 amounts shall be proven at trial.  
16  
17

18       28. Defendant's conduct has caused, and any continued infringing  
19 conduct will continue to cause, irreparable injury to Plaintiff unless enjoined by the  
20 Court. Plaintiff has no adequate remedy at law. Pursuant to 17 U.S.C. § 502,  
21 Plaintiff is entitled to a permanent injunction prohibiting infringement of Plaintiff's  
22 exclusive rights under copyright law.  
23  
24

## 25                                   **V. JURY DEMAND**

26       Plaintiff demands a trial by jury on all issues so triable.  
27

## 28                                   **VI. PRAYER FOR RELIEF**

WHEREFORE, Plaintiff demands judgment against Defendant as follows:

1           1.     A declaration that Defendant has infringed on Plaintiff's copyrights in  
2 the Work;

3  
4           2.     An award of actual damages and disgorgement of profits as the Court  
5 deems proper;

6  
7           3.     Awarding Plaintiff its costs pursuant to 17 U.S.C. § 505;

8           4.     Awarding Plaintiff interest, including prejudgment interest, on the  
9 foregoing amounts;

10  
11          5.     Permanently enjoining Defendant, its employees, agents, officers,  
12 directors, attorneys, successors, affiliates, subsidiaries and assigns, and all those in  
13 active concert and participation with Defendant, from directly or indirectly  
14 infringing Plaintiff's copyrights or continuing to display, transfer, advertise,  
15 reproduce, or otherwise market any works derived or copied from the Work or to  
16 participate or assist in any such activity; and  
17

18  
19          6.     For such other relief as the Court deems just and proper.  
20

21         RESPECTFULLY SUBMITTED this April 4, 2025.

22                                 RIVERSIDE LAW GROUP, PLLC  
23

24                                 Max K. Archer, WSBA #54081  
25                                 905 W. Riverside Ave., Ste. 404  
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6 (877) 437-6228  
7 *Attorney for Plaintiff*

8 By: /s/ Lauren M. Hausman  
9 Lauren M. Hausman Esq.

10 **CERTIFICATE OF SERVICE**

11 I hereby certify that on April 4, 2025, I electronically filed the foregoing  
12 document with the Clerk of the Court using CM/ECF, which will electronically serve  
13 all counsel of record.  
14

15  
16 /s/ Lauren M. Hausman  
17 Lauren M. Hausman, Esq.  
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